

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

BITUMINOUS CASUALTY	)	
CORPORATION,	)	
	)	
Plaintiff,	)	4:06CV3128
	)	
v.	)	
	)	
AARON FERER AND SONS COMPANY,	)	MEMORANDUM AND ORDER
and UNION PACIFIC RAILROAD	)	
COMPANY,	)	
	)	
Defendants.	)	
	)	

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A telephone conference was held this date with counsel pursuant to Rule 16 of the Federal Rules of Civil Procedure. Counsel discussed the status of the case and generally the anticipated needs of the parties in bringing it to resolution. It was agreed that scheduling the case to trial at this point was premature, in that the motion for summary judgment remains pending, and is not even submitted. It was also agreed, however, that once that motion is submitted, the parties can tentatively engage in planning a progression for discovery and trial.

IT THEREFORE HEREBY IS ORDERED,

Within three weeks of the filing of the last submission on the pending motion for summary judgment, counsel shall confer and contact my chambers for the purpose of convening another planning conference, with the expectation that discovery and trial can then be scheduled.

DATED this 19<sup>th</sup> day of April, 2007.

BY THE COURT:

s/ *David L. Piester*

David L. Piester  
United States Magistrate Judge